

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ESLAM MOHAMED KATAB,

Petitioner,

-against-

US IMMIGRATIONS AND CUSTOMS
ENFORCEMENT, et al.,

Respondents.

23-CV-02764 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

The court has received respondents' opposition to the petition for a writ of habeas corpus. Petitioner's reply brief is due September 12, 2023. The parties are hereby ORDERED to appear for a hearing on whether the petition should be granted on Friday, September 15, 2023, at 10:30 a.m. The hearing will take place in Courtroom 15A, 500 Pearl Street, New York, NY 10007.

In addition, the parties are hereby ORDERED to address in detail the below issues by September 12, 2023. Petitioner should do so in his reply brief, and the page limit for that brief is hereby extended to twenty pages. Respondents should do so in a supplemental brief, not to exceed five pages. The issues to be addressed are:

1. Why petitioner's detention has exceeded twenty months and whether such a delay is typical of cases that are appealed from the BIA and remanded (or whether unique circumstances have contributed to the delay here);
2. Whether petitioner or the government sought any adjournments during the removal proceedings and if so, on what grounds;
3. The process afforded to petitioner in the five individualized custody reviews, *see* ECF No. 23 at 13, and whether the fact that petitioner's custody has been reviewed multiple

times changes the normal analysis that courts in this circuit have used to assess noncitizens' procedural due process claims;

- The parties should provide the court with any relevant cases where the noncitizen claiming a procedural due process violation had his or her custody reviewed during the course of continued detention;
4. Why the parties stipulated to a remand before the Second Circuit; and
 5. The merits of the arguments petitioner has advanced in opposition to his removal.

If the parties have any supporting documentation relevant to the above issues, they may submit such documents as exhibits to their submissions.

SO ORDERED.

Dated: September 7, 2023
New York, New York

A handwritten signature in black ink, appearing to read 'Arun Subramanian', is written over a horizontal line.

ARUN SUBRAMANIAN
United States District Judge